

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6010**

**BILL NUMBER:** SB 137

**NOTE PREPARED:** Oct 16, 2005

**BILL AMENDED:**

**SUBJECT:** Use of Compression Release Engine Brakes.

**FIRST AUTHOR:** Sen. Kruse

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill authorizes a local authority to prohibit the use of compression release engine brakes (except in case of failure of the service brake system) on a highway in its jurisdiction by: (1) adopting an ordinance concerning the prohibition; and (2) posting signs specifying the terms of the ordinance at each end of the area where the prohibition applies.

**Effective Date:** July 1, 2006.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class D infraction is \$25, while the maximum judgment for a Class A infraction is \$10,000.

If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

**Explanation of Local Expenditures:** Adopting an ordinance will have no fiscal impact and can be accomplished within the existing procedures for ordinance adoption.

If such an ordinance is adopted, posting signs specifying the terms of the ordinance at each end of the area where the prohibition applies will require expenditures. The specific impact will depend upon the size of the sign and the number of such signs. For example, an informational sign (60 in. by 12 in.) would cost \$31.40

according to PEN Products, the sales and manufacturing arm of the Department of Correction.

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies; local units that adopt such ordinances.

**Information Sources:**

**Fiscal Analyst:** James Sperlik, 317-232-9866.